The Minutes

October 14, 2002

There were no minutes for this date.

October 15, 2002

C038422 THE PEOPLE v. SPENCER (Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Blease, Acting P.J.

Nicholson, J.

C039666 THE PEOPLE v. STEVENS (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

Hull, J. We concur:

Kolkey, J.

C037399 MILLER et al. v. STATE OF CALIFORNIA et al.

(Not for Publication)

The summary judgment for the State is reversed. Plaintiffs are awarded their

costs on appeal.

DAVIS, J.

Blease, Acting P.J. We concur:

Kolkey, J.

C039063 GODON-ELLIOTT v. ELLIOTT (Not for Publication)

The order is affirmed.

RAYE. J.

Nicholson, Acting P.J. We concur:

Hull. J.

In re J.W.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND C040641 **HUMAN SERVICES v. JASMINE C.** (Not for Publication)

The orders of the juvenile court granting DHHS's petition for modification and terminating appellant's parental rights are reversed. The matter is remanded for

proceedings consistent with this opinion.

KOLKEY, J.

We concur: Davis, Acting P.J.

Raye, J.

The Minutes

October 16, 2002

C037912 THE PEOPLE v. BERG et al.

(Not for Publication)

In the notice of appeal, the People appealed from the order of the trial court granting both defendants' motions to set aside the information. In the opening brief, the People claim they are "now contesting the ruling only as to defendant Berg." Thus, with respect to defendant Griffin, the People have abandoned their appeal, and we accordingly dismiss the People's appeal as to him. With respect to defendant Berg, the judgment is reversed and the case is remanded for further proceedings.

DAVIS, J.

We concur: Scotland, P.J.

Sims, J.

C038902 THE PEOPLE v. SAISE

(Not for Publication)

The trial court is directed to correct the abstract of judgment to reflect a threeyear prison term for infliction of corporal injury (count 2A) that is stayed under Penal Code section 654, and to forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed.

RAYE, Acting P.J.

We concur: Hull, J.

Robie, J.

C039006 THE PEOPLE v. FURULIE

(Not for Publication)

The judgment is affirmed.

DAVIS, J.

We concur: Sims, Acting P.J.

Morrison, J.

C036184

CITY OF LINCOLN v. BARRINGER et al. (Certified For Publication)

The July 20, 2000, "ORDER OF DISMISSAL OF EMINENT DOMAIN PROCEEDING" is reversed.

The December 27, 1999, "ORDER ON SUBMITTED MATTER" regarding litigation expenses and the formal order dated February 4, 2000, are reversed.

The case is remanded to the trial court for further proceedings consistent with this opinion.

On remand, the trial court shall enter a conditional order dismissing from the complaint all claims for the taking of the Remainder Parcel and awarding the Barringers their reasonable litigation expenses for defending against the taking of the Remainder Parcel. The City's claim to take the original "Partial Take" parcel shall proceed. The trial count shall also dismiss the OSC re Contempt served on the City.

The Minutes

October 16, 2002, continued

The Barringers' cross-appeal is denied.

The Barringers shall recover their costs on appeal pursuant to Code of Civil Procedure section 1268.720 ("Unless the court otherwise orders, whether or not he is the prevailing party, the defendant in the [eminent domain] proceeding shall be allowed his costs on appeal").

SIMS, Acting P.J.

We concur: Callahan, J.

Robie, J.

C036627 BENNETT v. WOMACK

(Not for Publication)

The judgment is reversed. The matter is remanded to the trial court with instructions to take further proceedings consistent with this ruling. Costs on appeal are awarded to Bennett.

NICHOLSON, J.

We concur: Davis, Acting P.J.

Hull, J.

C040322 In re NORMAN G. MORRALL on Habeas Corpus

(Certified for Publication)

THE COURT:

The "ORDER MODIFYING OPINION AND DENYING REHEARING; NO CHANGE IN JUDGMENT," filed in this case on October 10, 2002, is modified in the following particulars... These modifications do not change the judgment. FOR THE COURT:

Scotland, P.J. Blease, J. Hull, J.

October 17, 2002

C038857 THE PEOPLE v. DIAZ

(Not for Publication)

The judgment is modified to impose a section 1202.4, subdivision (b), restitution fine of \$10,000 and a section 1202.45 restitution fine of \$10,000 suspended unless parole is revoked. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract to the Department of Corrections.

SCOTLAND, P.J.

We concur: Morrison, J.

Kolkey, J.

The Minutes

October 17, 2002, continued

C039850 THE PEOPLE v. NELSON (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

Sims, Acting P.J. We concur:

Morrison, J.

THE PEOPLE v. McCALL C040175 (Not for Publication)

> The judgment is affirmed. If the aforementioned fines and fees have not been paid, the trial court is directed to prepare an amended abstract of judgment and

to forward a certified copy of the amended abstract of judgment to the

Department of Corrections.

DAVIS, J.

We concur: Blease, Acting P.J.

Morrison, J.

C038297 COOKSEY v. CALIFORNIA COMMISSION ON TEACHER CREDENTIALING (Not for Publication)

The judgment of the trial court is affirmed. We award costs on appeal to the

Commission.

NICHOLSON, Acting P.J.

We concur: Morrison, J.

Hull, J.

C039570 **ERICKSON v. CALIFORNIA REGIONAL WATER QUALITY CONTROL**

BOARD

(Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

Morrison, J. We concur:

Kolkey, J.

In re ALYSSA T.; DEPARTMENT OF HUMAN SERVICES v. CHRISTINA K. C040801

(Not for Publication)

The order terminating appellant's parental rights with respect to Alyssa T. is

affirmed.

SIMS, Acting P.J.

We concur: Morrison, J.

Callahan, J.

The Minutes

October 18, 2002

C037732 THE PEOPLE v. WAUGH (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Scotland, P.J.

Sims, J.

C038138 THE PEOPLE v. BABCOCK, SR. (Not for Publication)

The sentence of four months in state prison for defendant's misdemeanor conviction for annoying or molesting a child under the age of 18 years (§ 647.6, subd. (a)) is vacated and the matter is remanded for resentencing on that count only. The trial court is directed to prepare a corrected abstract of judgment reflecting a consecutive sentence of one-third the midterm, or two years, for count 4, and full consecutive midterms for both violations of section 289, subdivision (a) (1), and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.

HULL, J.

We concur: Blease, Acting P.J.

Morrison, J.

C038195 THE PEOPLE v. RUIZ (Not for Publication)

The judgment is reversed with directions to allow defendant to withdraw his pleas, if he so chooses, and to reinstate the charges that were dismissed pursuant to the plea agreement. If defendant declines to withdraw his plea, the trial court is directed to reinstate the judgment.

HULL, J.

We concur: Scotland, P.J.

Robie, J.

C039161 THE PEOPLE v. POWELL (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Scotland, P.J.

Sims, J.

C040029 THE PEOPLE v. SHEPPARD (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Nicholson, Acting P.J.

Raye, J.

The Minutes

October 18, 2002, continued

C039835 In re BARRY B. III et al.; SAN JOAQUIN COUNTY HUMAN SERVICES

AGENCY v. GILLIAN S. (Not for Publication)

The judgment of disposition and orders of the juvenile court are affirmed.

CALLAHAN, J.

We concur: Scotland, P.J.

Nicholson, J.

C039849 In re B.H. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. S.J. (Not for Publication)

The appeal of the judgments regarding minors K.J. and K.S. is dismissed. The juvenile court's October 10, 2001, orders with respect to minors B.H. III and B.H.

are affirmed.

HULL, J.

We concur: Raye, Acting P.J.

Robie, J.

C040587 In re K.S.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. R.S. (Not for Publication)

The orders of the juvenile court are affirmed.

HULL, J.

We concur: Scotland, P.J.

Callahan, J.